

REMARKS/ARGUMENTS

At page 2 of the Office Action, the Examiner is requesting that the applicants elect from one of seven groups as follows:

- I. Claims 1-2, 5, 7-9, 11, 12, 18-19, 31-35, 37-39, 42, 44-46, 48, 52, and 55-56, drawn to an agent for inhibiting phosphorylation of c-Jun, a pharmaceutical composition comprising an agent, wherein the agent comprises one or more peptides selected from the following group: BMAL1, BPL1, or SEQ ID NO: 1-3.
- II. Claims 3-4, 6, 13, 15, 16, 17, 40-41, 43, 50, and 53, drawn to a method for inhibiting phosphorylation of c-Jun, a method for preventing or treating a disease and a method for inhibiting the ability of c-Jun to activate transcription, wherein the method comprises putting one or more peptides selected from the following group: BMAL1 and BPL1 or SEQ ID NO: 1-3.
- III. Claims 10, 20-26, 30, 36, and 47, drawn to a recombinant vector, a transformant transfected with a vector, a pharmaceutical composition comprising an effective dose of one or more polynucleotides encoding a peptide selected from the group consisting of: BMAL1, BPL1, or SEQ ID NO: 1-3 and method of producing a polypeptide.
- IV. Claims 14 and 51, drawn to a method for preventing or treating a disease caused by the phosphorylation of c-Jun, wherein the method comprises utilizing one or more polynucleotides encoding a peptide selected from the group consisting of: BMAL1, BPL1, or SEQ ID NO: 1-3.
- V. Claim 27, drawn to an antibody that recognizes an agent for inhibiting phosphorylation of c-Jun, a pharmaceutical composition comprising an agent, wherein the agent comprises one or more peptides selected from the following group: BMAL1 and BPL1 or SEQ ID NO: 1-3.
- VI. Claim 28, drawn to a method of identifying a compound that mediates or inhibits the interaction of an agent for inhibiting phosphorylation of c-Jun.
- VII. Claim 29, drawn to a method of identifying a compound that mediates the expression of a polynucleotide that encodes a peptide selected from the group consisting of: BMAL1, BPL1, or SEQ ID NO: 1-3.

To be responsive, the applicants elect, with traverse, Group IV, claims 14 and 51 for examination.

On page 4 of the Office Action, the Examiner is requiring that the applicant elect a single SEQ ID NO: for prosecution on the merits. To be responsive, applicants elect, with traverse, SEQ ID NO: 1 and all claims readable thereon, including any claims subsequently added.

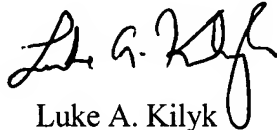
For the following reasons, the restriction requirement is respectfully traversed.

This application is a § 371 National Stage entry which takes into consideration the unity requirements for applications entering from the PCT application. Contrary to the Examiner's comments, in the counterpart International application, unity was found with respect to many of the claims, as shown in the International Search Report and Examination Report. Thus, all claims in all of the groups should be examined at this time. With regard to the non-elected claims, it is respectfully submitted that these claims should be examined at this time since there appears to be no serious burden on the part of the Examiner to search the entire scope of the claims. At a minimum, these claims should be rejoined upon the allowability of the subject matter of Group IV due to their relationship to the subject matter of the remaining groups. It is believed that the subject matter has the same concept from the standpoint that the searches would overlap to some extent. Under M.P.E.P. § 803, if there is no serious burden in the examination of all of the claims even if the claims are directed to separate inventions, the Examiner must examine all claims at this time. It would appear that § 803 applies to the current situation and therefore the restriction requirement should be withdrawn and all claims should be examined at this time. At a minimum, the Examiner should re-group these non-elected claims upon the allowability of the Group IV subject matter.

If there are any fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

U.S. Patent Application No. 10/509,307
Response to Restriction Requirement dated April 3, 2007
Reply to Office Action of January 12, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Luke A. Kilyk". The signature is fluid and cursive, with the first name "Luke" and last name "Kilyk" clearly distinguishable.

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